



W.P(MD)No.5039 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 04.10.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.5039 of 2022

M.Venkatesan

... Petitioner

Vs.

1.The Sub Registrar,
Sub-Registrar Office,
Kantharvakottai,
Thanjavur District.

2.Pattammal

3.Kamalakaran

4.Balanagammal

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent to cancel the sale deed registered by 1st respondent in document No.1211/2021 dated 13.07.2021 by considering petitioner's representation dated 12.11.2021.

For Petitioner : Mr.S.Vishnuvardhan

For Respondents : Mr.K.Balasubramani,
Spl. Government Pleader for R1.



W.P(MD)No.5039 of 2022

ORDER

WEB COPY

Heard the learned counsel for the writ petitioner and the learned Special Government Pleader for the first respondent. The notice issued to the second respondent has been returned with an endorsement “refused”. The notice issued to the third respondent has been returned with an endorsement “left”. The fourth respondent could not be served.

2.I am of the view that the writ petition can be disposed of even without the presence of the respondents 2 to 4.

3.The petitioner seeks cancellation of the petition mentioned sale deed dated 13.07.2021. He had given a complaint before the first respondent. The first respondent lacks the jurisdiction to cancel a registered document. The petitioner cannot invoke Section 77-A of the Registration Act because it cannot apply retrospectively. However, during the relevant time, certain circulars were in force and they authorized the jurisdictional District Registrar to conduct enquiry into registration of fraudulent documents. The petitioner can very well avail



W.P(MD)No.5039 of 2022

the said remedy. The petitioner is given liberty to submit a formal petition before the District Registrar, Registration Department, Thanjavur. I make it clear that he cannot invoke Section 77-A of the Act. He can however act under the circulars that were then in force. I make it further clear that I have not gone into the merits of the matter. The contentions and defences of the private respondents are left open. The jurisdictional District Registrar shall conduct enquiry and pass final order on merits in accordance with law within a period of four months from the date of receipt of a fresh petition from the petitioner herein.

4.This writ petition is disposed of accordingly. No costs.

04.10.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias

To:-

The Sub Registrar,
Sub-Registrar Office,
Kantharvakottai,
Thanjavur District.

3/4



WEB COPY



W.P(MD)No.5039 of 2022

G.R.SWAMINATHAN, J.

ias

W.P(MD)No.5039 of 2022

04.10.2023